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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *W*

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPUTER GEEKS, INC.,  
Opposer/Plaintiff,  
v.  
COMPGEEKS.COM,  
Applicant/Defendant.

Civil No. 06-CV-2464-IEG (POR)

**ORDER DENYING APPLICATION TO  
FILE UNDER SEAL**

**DOCUMENT NUMBER \_\_\_\_**

On November 8, 2006 counsel for movant Frank Segler, a nonparty in an action before the United States Patent & Trademark Office Trial and Appeal Board, filed a Motion to Quash Subpoena as well as a Stipulated Application to File Under Seal All Pleadings or Other Filings Related to Motion to Quash Subpoena of Frank Segler. A hearing date of November 28, 2006 was set for the Motion to Quash Subpoena. The Court HEREBY DENIES the Stipulated Application to File Under Seal All Pleadings or Other Filings Related to Motion to Quash Subpoena of Frank Segler.

This Court has reviewed the Protective Order filed with the Patent & Trademark Office Trial and Appeal Board, which was attached to the Stipulated Application as Exhibit 1. The Court has also reviewed the Motion to Quash Subpoena that is currently pending. The Protective Order that is operative in the matter before the Patent & Trademark Office does not cover the health issues that are the basis for the Motion to Quash Subpoena pending before this Court. Likewise, the Motion to Quash Subpoena does not raise concerns about trade secrets such as those addressed by the protective order of the Patent & Trademark Office.

Furthermore, the Court has reviewed Federal Rule of Civil Procedure 26(c). Movant's

1 Stipulated Application does not contain claims related to a trade secret or any of the other  
2 circumstances listed in Rule 26(c) as examples warranting a protective order.

3 Although the Court by this Order DENIES the Stipulated Application to file all pleadings  
4 under seal, the Court would reconsider this Order upon request of the parties if the parties can show  
5 that the information they seek to seal is related to trade secrets or to other circumstances  
6 contemplated by Rule 26(c).

7 Therefore, the Court HEREBY ORDERS that the Clerk's Office of the United States District  
8 Court for the Southern District of California shall not file under public record the Motion to Quash  
9 Subpoena of Frank Segler, and all other pleadings and Orders in this case, until **December 4, 2006**  
10 without further court order. If no further court order issues, the Clerk's Office shall file the Motion  
11 to Quash Subpoena of Frank Segler, and all other pleadings and Orders in this case, under public  
12 record. If the parties choose to request that the Court reconsider this Order, their motions and  
13 pleadings shall be filed on or before **November 28, 2006**, with a courtesy copy delivered to the  
14 Chambers of the Honorable Louisa S. Porter, Room 1140, 940 Front Street, San Diego, CA 92101.

15 IT IS SO ORDERED.

16  
17 DATED: 11/20/06

  
LOUISA S. PORTER  
United States Magistrate Judge

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19 cc: The Honorable Irma E. Gonzalez

20 All parties via mail and fax: Shannon Scott, counsel for Movant, (828) 450-8499

21 David Ryan, counsel for Opposer, (310) 203-7199  
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